

EXHIBIT D

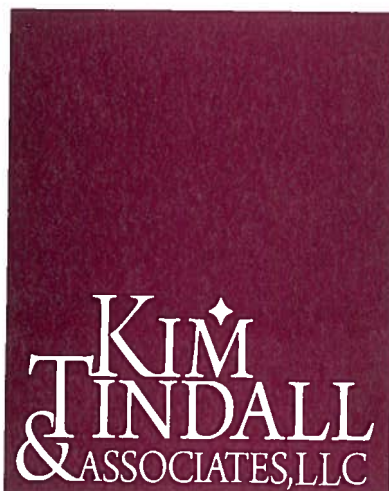
Transcript of the Testimony of **MIGUEL GUERRA**

Date:

March 7, 2014

Case:

JOSE A. MAGDALENO, ET AL v. PCM CONSTRUCTION SERVICES, ET AL



COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE A. VIRGEN MAGDALENO,)
Individually and on Behalf)
of all)
Others Similarly Situated,)

Plaintiff)

vs.)

CIVIL ACTION NO. 4:12-cv-02862

PCM CONSTRUCTION SERVICES,)
LLC, MIGUEL GUERRA AND)
DAWNNA L. HOGAN-GUERRA)

Defendants.)

ORAL DEPOSITION

MIGUEL GUERRA

MARCH 7, 2014

ORAL DEPOSITION OF MIGUEL GUERRA, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 7th day of March, 2014, from 9:38 a.m. to 12:14 p.m., before Anne F. Sitka, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Kennard Blankenship & Robinson, P.C., 5433 Westheimer Road, Suite 825, Houston, Texas 77056, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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MIGUEL GUERRA

Examination by Mr. Alfonso Kennard, Jr.4
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(SIGNATURE WAIVED)

(NO EXHIBITS)

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1 (The reading of Federal Rule 30(b)(5)(A)
2 into the record was waived by all parties
3 present.)

4 MIGUEL GUERRA,
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. KENNARD:

8 Q. All right. Mr. Guerra, my name is Alfonso
9 Kennard. How are you today?

10 A. Very well. Thank you.

11 Q. All right. You and I met once before at a
12 mediation that was unsuccessful; but aside from that, you
13 and I hadn't met before, correct?

14 A. Correct.

15 Q. And this is the next time that we've seen each
16 other since that mediation at Don Levin's office, correct?

17 A. Correct.

18 Q. Okay. Have you ever been deposed before?

19 A. No.

20 Q. So, this is the first time you've ever given a
21 deposition?

22 A. Yes.

23 Q. Okay. That being the case, I want to make sure
24 that we go through some ground rules about how we're going
25 to proceed today. First off, you are under oath. Do you

1 understand that?

2 A. I do.

3 Q. Okay. That any answers you give here today are
4 sworn testimony just the same as if we were in front of a
5 judge or a jury. And you understand that, correct?

6 A. I do.

7 Q. Okay. And you also understand that any
8 untruthful answers today could subject you to the
9 penalties of perjury. Do you understand that?

10 A. I do.

11 Q. Okay. Very good. Now, we have a court reporter
12 here today who's taking down everything that we say. She
13 is going to transcribe our discussions here. It is
14 important that we speak one at a time. I ask that you
15 allow me to please finish asking my question before you
16 answer it. You may be able to anticipate what I'm asking
17 you, but I will ask that you hold off to let me finish
18 before you do and I will extend the same courtesy to you.
19 Okay?

20 A. Okay.

21 Q. All right. Okay. Occasionally it's just normal
22 to respond with nonverbal answers like nodding your head
23 or perhaps saying "uh-huh" or "huh-uh." That's very
24 difficult for the court reporter to transcribe. So, I'm
25 going to ask that you please give me a verbal answer for

1 each of my questions. Okay?

2 A. Okay.

3 Q. All right. Additionally, I want to make sure
4 that you understand the questions that are being asked of
5 you here today. If at any time you don't understand my
6 question, will you let me know?

7 A. I will.

8 Q. Okay. And if you understand -- if you answer my
9 questions, may I assume that you understood my question?

10 A. Say that again.

11 Q. If you are able to give a response to any of my
12 questions, may I assume that you understood the question
13 that was being asked of you?

14 A. Correct.

15 Q. Okay. All right. Now, at any time you need to
16 take a break, you just let us know. This isn't a
17 marathon. We're trying to get information; but at the
18 same time you need to take a break, no problem. Okay?

19 A. Okay.

20 Q. Now, I anticipate that your attorney will be
21 making some objections throughout the course of our
22 deposition. That doesn't mean you cannot answer the
23 question. All right? When objections happen, that's
24 lawyer stuff that eventually the judge may or may not rule
25 on it sometime in the future. But if there's an

1 objection, you still need to answer the question. Do you
2 understand that?

3 A. I do.

4 Q. Okay. Very good. With that said, if you would
5 please state your full name for the record?

6 A. Miguel Guerra.

7 Q. Mr. Guerra, where are you from?

8 A. Can you define that question? Where I'm from,
9 does that mean where I live? Is that --

10 Q. Let's start there. Where do you live?

11 A. North Carolina.

12 Q. Okay. How long have you lived in North Carolina?

13 A. Don't remember.

14 Q. All right. Where in North Carolina do you live?

15 A. Apex.

16 Q. And what is your address?

17 A. My -- where I live?

18 Q. The physical address of where you live in Apex,
19 North Carolina?

20 A. 1012 Holt, H-O-L-T, Road.

21 Q. And --

22 A. Apex.

23 Q. And you live there with your wife?

24 A. Correct.

25 Q. Okay. Where did you live before you lived at

1 1012 Holt Road?

2 A. 10 Castle Garden Street.

3 Q. And where is that located?

4 A. On Castle Garden Street.

5 Q. What city?

6 A. That -- it's Cary.

7 Q. North Carolina? Is that in North Carolina?

8 A. Yes.

9 Q. Okay. Is that your primary residence today?

10 A. Which one?

11 Q. The Castle Garden address. 120 Castle Garden, is
12 that your primary residence today?

13 A. No.

14 Q. Is your primary residence the home at 1012 Holt
15 Road in Apex?

16 A. Yes.

17 Q. Okay. And where did you live before 120 Castle
18 Garden Street in -- in Cary, North Carolina?

19 A. The city was Cary, but I do not recall the
20 address.

21 Q. Okay. Do you still have that property?

22 A. No.

23 Q. Do you own it?

24 A. No.

25 Q. Does someone related to you own it, a relative

1 perhaps?

2 A. No.

3 Q. Okay. Where did you live before then?

4 A. It was thinking -- I'm trying to -- Raleigh,
5 North Carolina.

6 Q. Okay. And where did you live in Raleigh?

7 A. I don't remember.

8 Q. Okay. Do you own -- do you still own that
9 property in Raleigh, North Carolina?

10 A. I own the property Raleigh, North Carolina?

11 Q. Correct. Do you own a property in Raleigh, North
12 Carolina?

13 A. No.

14 Q. Does your wife own a property in Raleigh, North
15 Carolina?

16 A. I don't know.

17 Q. You don't know?

18 A. No.

19 Q. Why don't you know if your wife owns property in
20 Raleigh, North Carolina?

21 MR. CUELLAR: Objection, form.

22 A. I don't know.

23 Q. (By Mr. Kennard) Okay. Does a relative -- do any
24 of your relatives own property in Raleigh, North Carolina?

25 A. No.

1 Q. Have you ever owned property in Raleigh, North
2 Carolina? It's really a yes or no question.

3 A. No.

4 Q. Okay. Where did you live before Raleigh, North
5 Carolina?

6 A. California.

7 Q. Where in California?

8 A. Where?

9 Q. Yes, sir.

10 A. I can't remember.

11 Q. How long did you live in California?

12 A. I don't remember.

13 Q. Did you own any property in California?

14 A. No.

15 Q. Do any of your relatives own property in
16 California?

17 A. I don't know.

18 Q. Does your wife own any properties in California?

19 A. I don't know.

20 Q. Is it possible what your wife owns properties in
21 California or any property in California?

22 MR. CUELLAR: Objection, form.

23 A. Don't know.

24 Q. (By Mr. Kennard) If she does own property in
25 California, you're just not aware of it; is that correct?

1 MR. CUELLAR: Objection, form.

2 MR. KENNARD: What's your objection,
3 counselor?

4 MR. CUELLAR: Speculation.

5 MR. KENNARD: Okay.

6 A. I don't know.

7 MR. KENNARD: I'd ask that when you make
8 your objections, that they are consistent with the Rules
9 of Federal Procedure.

10 MR. CUELLAR: Okay.

11 Q. (By Mr. Kennard) All right. And where did you
12 live before California?

13 A. Guatemala.

14 Q. Okay. Where in Guatemala?

15 A. Where?

16 Q. Yes, sir.

17 A. Like be more specific.

18 Q. What city?

19 A. Guatemala City.

20 Q. Okay. Did you live in a house?

21 A. Me own the house?

22 Q. Did you live in a house in Guatemala City?

23 A. Yes.

24 Q. Okay. Is that where you were born?

25 A. No.

1 Q. Where were you born?

2 A. El Salvador.

3 Q. El Salvador. How long did you live in
4 El Salvador?

5 A. I don't remember.

6 Q. Okay. Do you remember approximately when you
7 left El Salvador?

8 A. I don't.

9 Q. Did you go to school there?

10 A. Yes.

11 Q. How far in school did you get in El Salvador?

12 A. How far is --

13 Q. Grade wise.

14 A. Grade wise? Third grade.

15 Q. Okay. Where did you move to after that? After
16 El Salvador, where did you move to?

17 A. Guatemala.

18 Q. Okay. Where are your parents from? Where were
19 they born and raised?

20 A. Salvador.

21 Q. Okay. Are they both El Salvadorian?

22 A. I don't know for sure.

23 Q. Okay. Do -- what are their names -- are they --
24 let's -- let me stop before then. Are your parents still
25 alive?

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1 A. My dad's not.

2 Q. Okay. Where does your mother live?

3 A. Now or when I left?

4 Q. Now, today.

5 A. Guatemala.

6 Q. Okay. And what is her name?

7 A. Santos Guerra.

8 Q. And what does she do for a living? Does she
9 work?

10 A. No.

11 Q. Have you ever transferred any properties or
12 assets to your mother in the last five years? And I will
13 remind you that you are under oath.

14 A. No.

15 Q. Have you had or your wife made any transfers of
16 money or property to your mother in the last five years?

17 A. You have two questions in there, two in one.
18 Define the question because I don't understand it.

19 Q. Let me rephrase it so that maybe you can better
20 understand it. Have you or your wife in the last five
21 years transferred or given any money to your mother?

22 A. Yes.

23 Q. Okay. When was the last time?

24 A. I don't remember.

25 Q. Approximately? If you can tell me approximately

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1 when the last time it was that you transferred or gave
2 money to your mother in the last five years?

3 A. I -- I don't remember.

4 Q. How much money have you given or transferred to
5 your mother in the last five years?

6 A. What's the difference between given and transfer?

7 Q. I want to know if any money has left your
8 possession, your bank accounts or from your pool of
9 resources that have been given or transferred in some way
10 to your mother?

11 MR. CUELLAR: Objection, form. You can
12 answer if you know.

13 THE WITNESS: I'm sorry?

14 MR. CUELLAR: You can answer if you know.

15 A. I do help her for her living expenses.

16 Q. (By Mr. Kennard) So, how much do you send to her?

17 A. I don't remember the exact amount.

18 Q. In the last five years have you sent her more
19 than a million dollars?

20 MR. CUELLAR: Objection.

21 MR. KENNARD: Objection what?

22 MR. CUELLAR: Just objection, form.

23 A. No.

24 Q. (By Mr. Kennard) In the last five years, have you
25 given your mother more than \$500,000 in the last five

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1 years?

2 A. No.

3 Q. In the last five years, have you given your
4 mother more than \$250,000?

5 A. No.

6 Q. In the last five years have you given or
7 transferred to your mother more than a hundred thousand
8 dollars?

9 A. No.

10 Q. Last five years have you given or transferred to
11 your mother more than \$50,000?

12 A. I don't know.

13 Q. So, you're telling me you help your mother and
14 you send her money; but you have no idea how much money
15 you've sent her in the last five years; is that your
16 testimony?

17 MR. CUELLAR: Objection, form.

18 A. I don't remember.

19 Q. (By Mr. Kennard) You have no idea how much money
20 you give to your mother on a regular basis?

21 A. I just answered you a couple of minutes -- couple
22 of seconds ago. I don't remember.

23 Q. All right. Is there a way for you to find out
24 how much money you have given to your mother in the last
25 five years?

1 A. I don't know.

2 Q. How -- could you check your bank records to find
3 out?

4 MR. CUELLAR: Objection, form.

5 A. I don't know.

6 Q. (By Mr. Kennard) Do you send cash?

7 A. What do you mean "you send cash"?

8 Q. Have you ever sent your mother cash through a
9 wire transfer or had in some way effectuated a delivery of
10 cash to your mother in the last five years?

11 A. I have sent her money. I have not sent her cash.

12 Q. How do you send her money when you send her
13 money?

14 A. Transfer.

15 Q. How do you transfer?

16 A. What do you mean how do I transfer?

17 Q. How do you transfer? How do you get it there,
18 Western Union? Do you hop on a plane with cash and
19 transfer it to her there?

20 MR. CUELLAR: Objection, form.

21 Q. (By Mr. Kennard) How do you do it?

22 A. Western Union.

23 Q. Are you provided with receipts from Western Union
24 when you transfer money to your mother?

25 MR. CUELLAR: Objection, form.

1 MR. KENNARD: What's objectionable about
2 that?

3 MR. CUELLAR: Just objection, form. He can
4 answer if he --

5 MR. KENNARD: You know that's not an
6 objection under the Federal Rules, right?

7 MR. CUELLAR: Just objection.

8 MR. KENNARD: Okay. Just checking.

9 Q. (By Mr. Kennard) You can answer.

10 A. Answer what?

11 Q. My last question. Do you need me to repeat it to
12 you?

13 A. Sure.

14 MR. KENNARD: Can you read him the last
15 question before the objection?

16 THE REPORTER: "QUESTION: Are you provided
17 with receipts from Western Union when you transfer money
18 to your mother?"

19 A. Yes.

20 Q. (By Mr. Kennard) Do you have those receipts? And
21 when I say "do you have those receipts," I don't mean do
22 you have them physically with you today. Do you have
23 those receipts somewhere today?

24 A. No.

25 Q. Did you throw them away or otherwise discard them

1 in some fashion?

2 A. Yes.

3 Q. Why would you discard them?

4 A. Because there is no need to keep them once you
5 give the number to your relatives.

6 Q. Why is it not important for you to retain those
7 for your records?

8 A. I don't know.

9 Q. Have you ever kept a record of money that you've
10 transferred to your mother?

11 A. I don't remember.

12 Q. You do understand that those records can be
13 subpoenaed from Western Union, correct?

14 A. I understand what you're saying.

15 Q. Okay. Do you wire -- have you ever wired or
16 transferred money to any other relative regardless of
17 where they are located in the last five years?

18 A. I don't remember.

19 Q. Is it possible that you have?

20 A. I don't know.

21 Q. Sir, I'm going to be honest with you. We're
22 going through this deposition. There's a lot of "I don't
23 knows" all throughout. This doesn't look good for you,
24 and it may require us to get the Court's involvement. The
25 purpose of this deposition is for us to get information

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1 that we need to proceed forward with this lawsuit. And
2 your refusal to answer our questions after we've waited so
3 long to be able to depose you in the first place is not
4 going to be well received, not by us and most likely not
5 by the Court. Do you understand that?

6 A. I understand what you're saying.

7 Q. Okay. Do you agree to cooperate with this
8 deposition moving forward?

9 A. That's why we are here.

10 Q. Are you willing to proceed in this deposition in
11 a nonevasive fashion?

12 A. I don't know what that word means, evasive.

13 Q. All right. Mr. Guerra, I'm going to ask you
14 again: In the last five years have you transferred any
15 money or given any of your personal resources to any
16 family member?

17 A. I just answered you. I've been helping my mom.

18 Q. Anybody else that you've given money to or
19 transferred anything from your pool of resources to any
20 other family member?

21 A. Yes.

22 Q. You have. Who?

23 A. Brother.

24 Q. Okay. What's your brother's name?

25 A. Oeilio.

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1 Q. How do you spell that?

2 A. O-e-i-l-i-o.

3 Q. What's his last name?

4 A. Guerra.

5 Q. Where does he live?

6 A. The country or the city?

7 Q. Both.

8 A. El Salvador.

9 Q. How old is he?

10 A. 47, I believe.

11 Q. How old are you?

12 A. 44.

13 Q. Okay. Is your brother an El Salvadoran citizen?

14 A. Yes.

15 Q. What's your citizenship?

16 A. U.S. citizen.

17 Q. Were you naturalized, or were you born in the
18 United States?

19 A. I became a citizen.

20 Q. In what year?

21 A. I don't remember.

22 Q. Approximately?

23 A. It would be a speculation. I don't remember.

24 Q. Was it in the last five years?

25 A. I don't remember.

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1 Q. Was it in the last ten years?

2 A. Probably more on the ten years.

3 Q. Okay. Earlier you testified that you had no idea
4 whether or not you had given any money or transferred any
5 money to any relatives. And you subsequently testified
6 here that you actually had sent -- have sent money to your
7 brother in El Salvador. When was the last time you sent
8 money to your brother in El Salvador?

9 A. I don't remember.

10 Q. What's his address in El Salvador?

11 A. There is no addresses out there.

12 Q. Okay. If you need to send him a letter, where
13 would you send it to?

14 A. I don't know.

15 Q. Have you visited him in the last five years?

16 A. Visit who?

17 Q. Your brother in El Salvador?

18 A. Yes.

19 Q. Okay. Do you know where he lives?

20 A. Yes.

21 Q. Okay. Do you know the name of the street?

22 A. The streets don't have name there.

23 Q. How do you identify a residence in El Salvador
24 then?

25 A. There are parts in the country in which you have

1 the city, you have the departments, which are like the
2 outskirts of the city, and then you have the villages.
3 The villages don't have addresses.

4 Q. Does he live in a village?

5 A. Yes.

6 Q. What is that name of the village?

7 A. La Cañada.

8 Q. How do you spell that?

9 A. L-A space C-A -- you guys use the Ñ?

10 Q. Yes.

11 A. Okay -- Ñ-A-D-A.

12 Q. Okay. Is there any other identifying marks or
13 information that would pertain to your brother's residence
14 in that village?

15 A. I don't understand the question. Will you
16 clarify that for me?

17 Q. Okay. Let's say I'm a tourist and I want to go
18 to this village in El Salvador. How do I get to his house
19 or wherever he lives?

20 A. By car.

21 MR. KENNARD: I'm going to object to the
22 response.

23 A. Isn't that what you asked me how you get to his
24 house?

25 Q. (By Mr. Kennard) Could you please give me

1 directions to your brother's house or wherever he lives
2 under the assumption that I have arrived in this village?
3 I just want to know how -- how -- how I would get there?
4 How would you get there? I understand you may take a car.

5 A. So --

6 Q. But where is it located physically?

7 A. So, let's assume you never been there and you
8 want to get to his house.

9 Q. Sure.

10 A. That's what you're trying to -- to clarify?

11 Q. Yes, sir.

12 A. Okay. So, you would basically move into steps.
13 You go from the main city.

14 Q. Which is?

15 A. San Salvador.

16 Q. Okay. I hop in a car from San Salvador. Now
17 where do I go?

18 A. You will go towards Santa Ana.

19 Q. Then what?

20 A. Then you will go towards Metapan.

21 Q. Then what?

22 A. And that's when you have to start asking how to
23 get to La Cañada because from that point forward it kind
24 of start getting little villages. And that's when it's
25 just a different -- different world.

1 Q. Okay. How much money have you sent him in the
2 last five years?

3 A. I don't know.

4 Q. How did you send it to him?

5 A. Western Union.

6 Q. Did you keep the receipts from Western Union?

7 A. No.

8 Q. Why did you discard them?

9 A. I don't know.

10 Q. You do understand that those records from Western
11 Union can be subpoenaed, correct?

12 A. I understand what you're saying.

13 Q. Okay. Why do you send him money?

14 A. Why do I send money to him or to my family?

15 Q. Either. You tell me.

16 A. To help them.

17 Q. What else?

18 A. That's it.

19 Q. How often do you send your brother money? And
20 I'm not looking for an exact number of times. Just about
21 how often do you send him money?

22 A. I don't remember.

23 Q. Did you send him money in 2014, in the year 2014?

24 A. I don't remember. I don't remember. I really
25 don't remember.

1 Q. Did you send him money in the year 2013?

2 A. Yes.

3 Q. How many times?

4 A. Don't remember.

5 Q. How much did you send him in 2013?

6 A. Don't recall.

7 Q. Do you just have so much money that when you give
8 money to others you have no idea how much it is?

9 A. What do you mean I don't know how much it is?

10 Q. I'm asking you --

11 A. It's kind of a broad question.

12 Q. -- is it because you have so much money that you
13 don't keep track of when you give money to others?

14 MR. CUELLAR: Objection.

15 A. The question you asking is if I know how much I
16 send in 2013. There is no way for me to remember that.

17 Q. (By Mr. Kennard) Why not?

18 A. Because I don't have a computer in my head that I
19 can remember everything.

20 Q. Why don't you keep records of when you give money
21 to others?

22 A. Don't know.

23 Q. Do you write it down somewhere that you've sent
24 money to a family member?

25 A. No.

1 Q. Do you keep a journal entry?

2 A. What's a journal entry?

3 Q. That answers my question.

4 Is there any way that you keep a record of
5 when you give money to a family member in another country?

6 A. I don't know.

7 Q. How do you know how much to send any given time
8 that you send money?

9 A. How do I know?

10 Q. How do you determine personally how much you're
11 going to send to either your mother or your brother or any
12 other family member in any given time that you do it?

13 A. Based on -- based on what their needs are for
14 that particular time.

15 Q. How often do they communicate to you what their
16 needs are in any particular time?

17 A. I don't remember.

18 Q. How do they let you know? Do they send you an
19 e-mail? Do they call you, say, "Hey, Miguel can you send
20 us this much this month?" How do you know what to send
21 them? How do you know what their needs are?

22 A. They communicate.

23 Q. How do they communicate?

24 A. Verbal.

25 Q. Over the telephone?

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1 A. Right.

2 Q. In person?

3 A. Phone.

4 Q. I'm sorry?

5 A. Telephone.

6 Q. How often do they communicate this to you over
7 the telephone?

8 A. I don't remember.

9 Q. Okay. So, you want the jury to believe that you
10 have no idea how much you send when you send it or why you
11 send it?

12 MR. CUELLAR: Objection.

13 Q. (By Mr. Kennard) Is that what you're saying?

14 A. I am giving you the answers to the best of my
15 ability. If I don't remember, if I don't know, I am not
16 going to make up the answer.

17 MR. KENNARD: Object to the
18 nonresponsiveness.

19 Q. (By Mr. Kennard) Would you have the jury believe
20 that you don't know when you send money, why you send
21 money or how much you send money -- how much money you
22 send to your family out of the country? That's really --
23 that's a yes or no answer. Is that what you want the jury
24 to believe?

25 A. I explained to you why do I send money. It's to

1 help them with their living expenses.

2 Q. And I asked you how do you know what those living
3 expenses are and you told me over the telephone, but you
4 haven't been able to tell me how often or even one
5 instance in when -- in which this was communicated to you.
6 So, we're trying to figure out how often you send money
7 outside of the country and how much. Do you understand
8 that that's what we're trying to ascertain?

9 A. That's another word that I don't understand, the
10 last one you said.

11 Q. Ascertain for my purposes means figure out. Do
12 you understand that that is what we are trying to figure
13 out?

14 A. Okay.

15 Q. Is that a yes?

16 A. Yes.

17 Q. Is there any way that you can explain that to the
18 jury?

19 A. I will have to explain to the jury?

20 Q. I'm asking you: Is there any way -- obviously
21 none of the questions that I've asked you have enabled you
22 to explain to us, the attorneys and the jury because the
23 jury will ultimately see everything that's being
24 transcribed here, how much you send and when you send it.
25 So, my question to you, sir, is: Is there -- you

1 understanding what it is what we're trying to ascertain
2 and figure out, is there some way that you can describe to
3 the jury how much money you've sent, to who and when to
4 anyone outside of this country? Is there some way that
5 you can describe that to the jury?

6 MR. CUELLAR: Objection.

7 A. I think I really don't understand because I
8 already gave you the answers.

9 Q. (By Mr. Kennard) Mr. Guerra, you're not answering
10 any of my questions. You're just telling me that you
11 don't know and you don't remember. 90 percent of your
12 responses so far have been "I don't know" and "I don't
13 remember." I don't think the jury is going to buy that
14 you have no idea.

15 MR. CUELLAR: Objection.

16 Q. (By Mr. Kennard) My question to you is very
17 simple: How can you describe for the jury how much money
18 you send and when from your pool of resources outside
19 the -- to outside the United States? Is there a way that
20 you can enlighten us about it?

21 A. I really don't know.

22 Q. Is there a way for you to get records that would
23 indicate how much money you've sent to who and when in the
24 last five years?

25 A. I don't know.

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1 Q. Would your accountant have that information?

2 A. I don't know.

3 Q. Does the IRS have this information?

4 A. Don't know.

5 Q. Have you reported any transfer of assets or
6 finances abroad to the IRS in the last five years?

7 MR. CUELLAR: Objection.

8 A. Don't remember.

9 Q. (By Mr. Kennard) Mr. Guerra, you're making this
10 real hard on us. I'm going to tell you.

11 A. I'm --

12 MR. KENNARD: We're gonna have to take a
13 break. And I really don't want to do this, Ricardo. I'm
14 probably gonna have to get the Judge on the phone here
15 again. He's not answering a single one of my questions.

16 MR. CUELLAR: Well, if he doesn't know it, I
17 don't think he should be guessing about --

18 MR. KENNARD: We're not asking him --

19 MR. CUELLAR: -- dates or estimates or --

20 MR. KENNARD: We're not asking him to guess.

21 MR. CUELLAR: -- frequency of time he
22 contacts his family.

23 MR. KENNARD: We're not asking him to guess.
24 We have requested these documents through the discovery
25 process, and we haven't gotten any of them. So, if he's

1 not able to answer off of his own recollection, it's only
2 fair that we can have these documents in front of us so
3 that we can ask him questions about it. Otherwise we're
4 not in a position to and he's just going to keep telling
5 me "I don't know, I don't know, I don't know, I don't
6 know."

7 THE WITNESS: But you're asking --

8 MR. KENNARD: Let me finish, please, sir.
9 Do not interrupt my deposition when I'm asking questions
10 or making statements. I afford you the same courtesy.

11 THE WITNESS: Okay.

12 MR. CUELLAR: For the purpose of the court
13 reporter, too, because I know it makes it hard for her to
14 keep track of everybody talking. So, one at a time
15 talking.

16 MR. KENNARD: I'm not going to be able to
17 continue with my questions without this information unless
18 your client has a sudden recollection of this pertinent
19 and important information. Okay?

20 MR. CUELLAR: And -- and again, I'm telling
21 my client that he shouldn't be guessing about any
22 information that he's not --

23 MR. KENNARD: Well, you don't need to coach
24 your witness. I'm just making my statement known for the
25 record. You don't need to coach the witness any further,

1 Ricardo.

2 MR. CUELLAR: Well, I don't feel he should
3 be guessing --

4 Q. (By Mr. Kennard) Mr. Guerra --

5 MR. CUELLAR: -- about that information.

6 Q. (By Mr. Kennard) Mr. Guerra, I'm going to ask you
7 again: Is there any way for you to find out how much
8 money you've sent out of the country in the last five
9 years?

10 A. The truthful answer is I do not know.

11 Q. Who would know?

12 A. I don't know.

13 Q. Would your bank records reflect any wire
14 transfers?

15 A. Don't know.

16 Q. When you go to Western Union, do you show up with
17 cash?

18 A. Yes.

19 Q. And where do you get this cash from?

20 A. From the bank.

21 Q. Do you get a withdrawal slip?

22 A. What do you mean "a withdrawal slip"?

23 Q. Did the bank hand you a piece of paper that tells
24 you how much money you took out of your account?

25 A. Yes, the ATM does that.

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1 Q. What do you do with that piece of paper?

2 A. Throw it away.

3 Q. Where do you bank? Where do you have bank
4 accounts?

5 A. What do you mean where do I have bank accounts?

6 Q. What banks you use? Where do you keep your
7 money. Where do you keep any money? What banks?

8 MR. CUELLAR: Objection. Could you clarify
9 him, individually or co-accounts, PCM accounts so he's
10 aware of the question?

11 Q. (By Mr. Kennard) Did you not understand my
12 question?

13 A. I'm trying to figure out which direction you --
14 which one you're asking.

15 Q. Mr. Guerra, you don't need to figure out any
16 directions. You simply need to answer my questions as
17 they are asked. Do you understand that?

18 A. Okay.

19 Q. Because if you don't, this is going to be a long
20 day. And we may most likely will have to redepose you
21 again. To the extent you continue to evade our
22 questioning, we will need to get the Court involved which
23 is never my preference; but in this case it's become
24 absolutely necessary more often than not. And we will
25 most likely have the opportunity to take your deposition

1 again. With that in mind, where do you, Miguel Guerra,
2 keep money?

3 A. BBNT is our bank.

4 Q. Can you say that a little more clearly?

5 A. BBNT.

6 Q. Where is that bank located? Give me the city and
7 address. Forget that. Just give me the city.

8 A. The city of the bank or the branch?

9 Q. Both?

10 A. Raleigh.

11 Q. North Carolina?

12 A. Uh-huh.

13 Q. Is it the city or the branch?

14 A. That's the city.

15 Q. What branch do you use?

16 A. Apex.

17 Q. Okay. Who is your bank officer?

18 A. Don't know.

19 Q. Do you have a banker that you use?

20 A. The ATM machine.

21 Q. Who did you open your account with at BBNT?

22 A. Don't remember the name.

23 Q. Where else do you have bank accounts?

24 A. BBNT is one that I -- are we -- are you asking
25 me -- me personally?

1 Q. We're starting with you personally. We're going
2 to talk about your wife, your family, the business. We're
3 going to talk about all that later.

4 A. Okay.

5 Q. Starting with you.

6 A. I think Coastal.

7 Q. You think or you know?

8 A. I don't know for sure.

9 Q. You don't know if you have an account at Coastal?

10 A. I don't know for sure.

11 Q. How do you not know for sure?

12 A. I just answered you. I don't know for sure.

13 Q. Is there a particular reason why?

14 A. I personally do not have an account.

15 Q. Who does?

16 A. My wife.

17 Q. So, you do know that she has an account at
18 Coastal Federal Credit Union at 5330 Apex Peak Way, Apex,
19 North Carolina 20502; is that correct?

20 A. I don't know the address.

21 Q. You know that your wife has an account at Coastal
22 Federal Credit Union in Apex, North Carolina, correct?

23 A. Yes.

24 Q. Have you seen the bank statements for the
25 accounts, your wife's account at Coastal Federal Credit

1 Union in Apex, North Carolina?

2 A. No.

3 Q. Do you know how much money is in there?

4 A. No.

5 Q. Do you and your wife have separate accounts?

6 A. No.

7 Q. Are all your accounts joint?

8 A. Don't know.

9 Q. You just testified that you don't have separate
10 accounts. The only other alternative would be for you to
11 have a joint account with your wife.

12 A. What if she will have other accounts that I would
13 not be aware of it?

14 Q. Then that would mean that you have separate
15 accounts, wouldn't it?

16 A. But if I don't know?

17 Q. Okay. I'm not being deposed so you need not ask
18 me any questions that will require a -- a response. I'm
19 asking you very simply: What accounts do you have with
20 any bank? Give me the list where you have bank accounts
21 that you know of.

22 A. You got them.

23 Q. Which are they?

24 A. BBNT and Coastal.

25 Q. Is there any other bank anywhere that you have an

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1 account?

2 A. No.

3 Q. Do you have any bank accounts outside of the
4 United States?

5 A. No.

6 Q. Are you sure? You understand that you are under
7 oath under the penalty of perjury, correct?

8 A. I understand what you're saying.

9 Q. I'll ask you again: Do you have any other bank
10 accounts outside of the United States?

11 A. No.

12 Q. Okay. That's your final answer?

13 A. Final answer.

14 Q. Okay. Do any family members have any accounts
15 outside of the United States that you have at one time or
16 another put money into?

17 A. No.

18 Q. Are there any bank accounts outside of the United
19 States that you have directed or somehow effectuated for
20 money to be put into, regardless of whether it was you
21 individually that did so?

22 MR. CUELLAR: Objection.

23 A. Ask the question begin.

24 Q. (By Mr. Kennard) Sure, because I sense that
25 you're hanging on to certain words. And being able to

1 respond the way that you do, I want to make sure we're
2 clear. So, let me -- I'm going to strike that last
3 question. And I'm going to ask you a question to make
4 sure you understand what we're trying to understand here.
5 All right?

6 A. Uh-huh.

7 Q. We're trying to figure out if you have ever in
8 the last five years directed that any money be sent to
9 bank accounts outside of the United States regardless of
10 who's on the receiving end of it. Do you understand that?

11 A. I do.

12 Q. Okay. So, have you ever directed or made happen
13 to where money was taken from your pool of resources and
14 put into another account outside of the country?

15 A. No.

16 Q. Okay. Now, have you ever wired any money to any
17 of your accounts at Coastal Federal Credit Union or BBNT
18 to any accounts outside of the country?

19 A. I don't remember.

20 Q. Is it possible that you have?

21 A. I don't remember.

22 Q. Now, there's a difference between "I don't
23 remember" and "absolutely not." Do you understand that
24 distinction?

25 A. Uh-huh.

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1 Q. Is that a yes?

2 A. Yes, uh-huh.

3 Q. Is it possible -- though you may not remember as
4 we sit here today -- that you have directed or somehow
5 made it happen for money to be taken via wire transfer
6 from any of your U.S. accounts to any accounts outside of
7 the United States?

8 MR. CUELLAR: Objection.

9 A. No.

10 Q. (By Mr. Kennard) No you have not?

11 A. I have not.

12 Q. Is it your testimony that you have never had
13 money wired from any of your U.S. accounts to any accounts
14 outside of the country? Is that your testimony?

15 A. Correct.

16 Q. When you want to Western Union money, where do
17 you go? When you want to send money via Western Union,
18 where do you go? Do you go to your computer and do it On
19 line? Do you physically show up with cash to a specific
20 Western Union location? How do you do it?

21 A. Go to a Western Union location.

22 Q. Which location do you go to?

23 A. It depends.

24 Q. Depends on what?

25 A. What city I'm in.

1 Q. Okay. Tell me every Western Union location -- or
2 every city in which you've gone to a Western Union to send
3 money in the last five years?

4 A. I don't remember the cities.

5 Q. Can you remember one time where you have gone to
6 a Western Union to send money? Yes or no?

7 A. Yes.

8 Q. You do remember going to a Western Union at least
9 one time, correct?

10 A. Right.

11 Q. Do you remember what city that was in?

12 A. Apex.

13 Q. Apex, North Carolina?

14 A. Uh-huh.

15 Q. A moment ago you had no idea where you had gone
16 to Western Union. And now after a little more prodding
17 you were able to tell me, okay, I remember at least going
18 to Western Union in Apex. This is going to go a lot more
19 smoothly if you just be upfront with us. Do you
20 understand that?

21 A. I understand.

22 Q. So, you're saying -- you keep trying to play
23 games with us here today. Mr. Guerra, it's only going to
24 make it worse for everybody, not just us, not just your
25 lawyers, but for you as well because then we got to go

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1 down to the courthouse again and ask the Judge to do these
2 things and it will eventually happen most likely, but it
3 would be a lot easier if you just cooperate with us. You
4 understand that?

5 A. I understand.

6 Q. If you want to keep paying your lawyers a bunch
7 of money to go fight these motions, that's certainly
8 within your right to do, sir. But will you agree with me
9 that we're going to try to continue to move forward
10 efficiently and without playing games? Will you agree to
11 do that, yes or no?

12 A. I understand.

13 Q. Is that a yes?

14 A. I understand -- we're not playing games. I'm
15 giving you the answers to the best of my ability.

16 Q. Okay.

17 A. But yes, move forward. Next question.

18 MR. KENNARD: All right. We're going to
19 take a little break. We're off the record.

20 (Recess taken)

21 MR. KENNARD: Okay. We're back on the
22 record after a short break.

23 Q. (By Mr. Kennard) All right. Mr. Guerra, we're
24 trying to figure out how much money you've ever sent
25 abroad in the last five years. How can we figure that

1 out?

2 A. I really don't know.

3 Q. What would you suggest? Do you have an idea?

4 A. I'm thinking. Probably -- and this is -- you
5 asking for an estimate. Ballpark idea, it would probably
6 be \$600 to my mom and \$600 to my brother. That's kind of
7 a ballpark idea.

8 Q. Total in the last five years or each time?

9 A. Each time.

10 Q. And how often would you send money to your
11 brothers or your mom?

12 A. I will say once a month or once every two months.

13 Q. All right. Has there ever been any occasion
14 where you have sent more than \$600 to either your mom or
15 your brother?

16 A. Yes.

17 Q. Okay. When?

18 A. I don't remember.

19 Q. About when? I'm not asking -- I'm not looking
20 for a specific date.

21 A. I really don't remember.

22 Q. Okay. And do you remember the reason why it was
23 more than \$600 that you normally send?

24 A. Yes.

25 Q. Can you tell me why, please?

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1 A. Paid for cancer treatment for my brother, one of
2 my brothers that died.

3 Q. Okay. Any other reason?

4 A. No.

5 Q. Have there been any other instances where you
6 have sent more than \$600 to a family member in the last
7 five years?

8 A. I don't remember.

9 Q. How could you refresh your memory?

10 A. I don't know.

11 Q. If the IRS said, "Mr. Guerra you need to tell
12 us" -- the IRS comes knocking at your door and says,
13 "Mr. Guerra, you need to tell us how much money you've
14 sent outside the United States in the last five years or
15 we're going to put you in Federal prison," how would you
16 figure it out?

17 MR. CUELLAR: Objection.

18 A. I don't know.

19 Q. (By Mr. Kennard) What steps would you take?

20 A. Don't know.

21 Q. Would you do nothing?

22 A. Don't know.

23 Q. Would you tell the IRS, "I don't know how to
24 figure that out"? Yes or no?

25 A. Yes.

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1 Q. Would you tell the IRS that "I'm not willing to
2 figure that out," yes or no?

3 A. Ask that question again.

4 Q. If the IRS asked for you to figure out for them
5 how much money you have sent outside of the country, would
6 you tell them that you do not have a willingness to figure
7 out how much?

8 MR. CUELLAR: Objection.

9 Q. (By Mr. Kennard) Or would you cooperate with
10 them?

11 A. I will give them the truthful answer that I don't
12 know.

13 MR. KENNARD: I'm going to object to the
14 response.

15 Q. (By Mr. Kennard) Would you be willing to
16 cooperate with the IRS if they wanted to know how much
17 money you've sent outside of the country?

18 A. Yes.

19 Q. How would you cooperate with them?

20 A. Don't know.

21 Q. You need to take a break to maybe figure out how
22 you think you would try to figure out that information?
23 We can take another break if you would like to think about
24 it. You need to take some time to think about it?

25 A. No.

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1 Q. So, I'm going to ask you again: What steps would
2 you take to cooperate with the Internal Revenue Service
3 upon a request for you to deliver information to them
4 about how much money you have sent abroad in the last five
5 years?

6 A. I don't really know what steps would I take.

7 Q. What would you do? You just testified that you'd
8 cooperate with them. So, I want to know how you would
9 intend to do that. So, please describe that for me and
10 for the good folks of the jury.

11 MR. CUELLAR: Objection.

12 A. I don't know because I never been in that
13 position.

14 Q. (By Mr. Kennard) This is going to be a long day,
15 isn't it, Mr. Guerra?

16 A. That's not what I'm planning on. I am answering
17 your questions to the best of my ability.

18 Q. How do you think you could figure out how much
19 money you've sent in the last five years outside the
20 United States?

21 A. I really don't know.

22 Q. Would you contact your bank? Yes or no?

23 A. No.

24 Q. Why not?

25 A. Because they won't know.

1 Q. You just told me you have no idea how you figure
2 it out, but you can tell me that your bank would have no
3 ability to help you figure out that information. Is that
4 what you're saying?

5 A. I don't know if they do.

6 Q. You know everything leaves a paper trail, right?
7 Would you agree with that?

8 A. Yes.

9 Q. Okay. Do you believe that any money transactions
10 involving you or someone related to you sending money
11 outside of the country will leave a paper trail?

12 A. I don't know.

13 Q. Do you think it would?

14 A. Don't know.

15 Q. You have no opinion?

16 A. Don't know.

17 Q. You have no opinion as to whether or not any
18 transactions that you've engaged in would leave some sort
19 of a record?

20 A. I don't know their internal ways of keeping
21 records. So, I don't know.

22 Q. See, now you're messing with me, Mr. Guerra.
23 This isn't a game. This is not a game. We are asking you
24 questions, and you need to answer them.

25 A. I'm giving you --

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1 Q. Hold on. Let me finish. And if you're not able
2 to do that, I can't proceed forward because all you're
3 doing is wasting my time, the court reporter's time and
4 ultimately the Court's time. Do you understand that?

5 A. I understand what you're saying.

6 Q. You understand that this is not a game?

7 A. Yes.

8 Q. Okay. Why don't you want to tell us how you
9 would go about determining how much money you've sent out
10 of the country in the last five years?

11 A. I already answered those questions.

12 MR. KENNARD: Object to the response.

13 Q. (By Mr. Kennard) Mr. Guerra, you're dodging us.
14 You're not being forthcoming. You told me earlier that
15 you were going to agree to continue this deposition moving
16 forward in good faith, didn't you? Yes or no?

17 A. Yes.

18 Q. How would you go about figuring out how much
19 money you've sent outside of the country? It's that
20 simple.

21 A. And the answer is I don't know.

22 Q. Are you telling me you would do nothing?

23 A. Which question are we working on still?

24 MR. KENNARD: This close. This --

25 Can you repeat the last question, please, to

1 the witness?

2 THE REPORTER: The one before "QUESTION:
3 Are you telling me you would do nothing?"

4 MR. KENNARD: Correct.

5 THE REPORTER: "QUESTION: How would you go
6 about figuring out how much money you've sent outside of
7 the country?"

8 A. I will have to say it will have to be an average
9 estimate based on the average times that I sent them money
10 and you multiple that.

11 Q. (By Mr. Kennard) Okay. That's not what I'm
12 asking you. What I'm asking you is how could you find the
13 records that would show how much money you've sent? You
14 agreed with me earlier that everything would leave a paper
15 trail. How would you go find that paper that shows
16 exactly how much money you've sent outside of the country
17 in the last five years?

18 A. I don't have those records.

19 Q. I know you don't have those records. You told me
20 that already. I'm asking you how would you go get those
21 records?

22 A. I don't know how I would --

23 Q. What steps would you take?

24 A. I do not know what steps would I take.

25 Q. So, you don't -- would you try to figure out at

1 some point what steps you would take? Yes or no?

2 A. Yes.

3 Q. And how would you do that?

4 A. Don't know. I'll probably have to research it,
5 how do you go about it.

6 Q. So, you'd research on how to get those records.
7 Is that what you're saying?

8 A. Yes.

9 Q. Okay. Where else have you sent -- where else
10 have you gone to Western Union other than Apex,
11 North Carolina to send money outside of the country, out
12 of the United States?

13 A. I don't remember the specific city, but it would
14 be somewhere in Texas.

15 Q. Where in Texas?

16 A. I just answered the question. I don't remember
17 the specific city.

18 Q. What cities could it be?

19 A. Houston, San Antonio or Dallas.

20 Q. Can you remember one time where you have sent
21 money via Western Union from Dallas?

22 A. I do not remember.

23 Q. How about from San Antonio?

24 A. I don't remember.

25 Q. How about from Houston?

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1 A. Possibly from Houston.

2 Q. Okay. When was the last time that you possibly
3 sent money from Houston via Western Union outside of the
4 country?

5 A. I don't remember.

6 Q. Mr. Guerra, I think you are not answering the
7 questions. You are not cooperating in good faith at your
8 deposition. We are going to request that your deposition
9 be continued at a later time. Do you understand that?

10 A. What questions am I not answering?

11 Q. Do you understand that we're going to need to
12 continue your deposition at another time?

13 A. I don't understand.

14 MR. CUELLAR: Counsel, can I -- can we take
15 another five-minute break so my client understands the
16 effects if we continue [sic] the deposition and not get it
17 done today?

18 MR. KENNARD: Ricardo, I -- respectfully
19 that's not a reason to take a break to go coach your
20 witness. That's not a reason, my man.

21 MR. CUELLAR: I want him to understand
22 the --

23 MR. KENNARD: And this is my deposition. I
24 can appreciate that.

25 Q. (By Mr. Kennard) Do you understand that we're

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1 going to have to continue your deposition at some other
2 time and that we're going to request the court to allow us
3 to redepose you? Do you understand that?

4 A. I don't understand why.

5 Q. Okay. But you do understand that we're going to
6 have -- this is going to have to be done again at some
7 other time.

8 Mr. Guerra, I'm going to ask you one more
9 time so we don't have to do this. You can't be telling us
10 you don't know anything. 90 percent of your answers have
11 been I don't know.

12 MR. CUELLAR: Objection.

13 Q. (By Mr. Kennard) When most recently did you go to
14 Western Union in Houston to send money outside of the
15 country?

16 A. It has been years.

17 Q. How many years?

18 A. I don't know the exact year; but I will say 2011,
19 maybe.

20 Q. Okay. You see where my problem is here, one
21 minute you're telling me you just absolutely don't
22 remember. And then I have to tell you that we're going to
23 get the Court involved, and then you suddenly do remember
24 some information. Like you just told me right now. This
25 can't keep happening all day. When we ask you a question,

1 you need to respond. If this continues, we will have to
2 suspend the deposition entirely.

3 Is there anywhere else outside of Texas and
4 North Carolina that you have utilized Western Union to
5 send money outside of the country?

6 A. I'm thinking. No.

7 Q. Is it a fair statement that you have only sent
8 money via Western Union from Texas or North Carolina
9 outside the country?

10 A. Yes.

11 Q. Do you own any property personally, you or with
12 your wife?

13 A. Can you define what "own" means?

14 Q. Do you have an ownership interest in any property
15 anywhere?

16 A. Be a little more specific. I don't understand
17 the question.

18 Q. What does ownership interest mean to you?

19 A. Ownership to me, the definition at least the way
20 I understanding it, ownership is when you own something
21 outright. When your name is on something, it's different.
22 I don't classify that as an ownership at least in my
23 definition. That's the way I look at it.

24 Q. Okay. What about ownership interest, what does
25 that mean to you? You just told what ownership means to

1 you. What does ownership interest means to you?

2 MR. CUELLAR: Objection.

3 MR. KENNARD: What's your objection?

4 MR. CUELLAR: Just objection on the part as
5 him having to define your questions.

6 MR. KENNARD: I'm not asking him to define a
7 question. I've asked him a specific question as to a term
8 commonly used as ownership interest, and I want to know
9 what that means to him. Do you still have that same
10 objection?

11 MR. CUELLAR: Yes. Thank you, counsel.

12 MR. KENNARD: Okay.

13 A. I don't totally understand that phrase. You can
14 present it to me in a different way, in a simpler way, I
15 guess.

16 Q. (By Mr. Kennard) Okay. To me ownership interest
17 means that I own at least some part of something. For
18 instance with the mortgage, if I still owed money on my
19 house, then the bank would technically own part of it; but
20 it's my mortgage. Do you agree with that?

21 A. I agree.

22 Q. Okay. Do you have an interest in any real
23 estate?

24 A. How do you define "real estate"?

25 Q. How do you define "real estate"? I'm not being

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1 deposed here. Let me ask you: How do you define real
2 estate?

3 A. I don't know the definition.

4 Q. Is your name on anything?

5 A. Yes, sir.

6 Q. What?

7 A. Our home.

8 Q. Which home?

9 A. 1012 Holt Road.

10 Q. What's the value -- the market value of your home
11 at 1012 Holt Road?

12 A. Don't know.

13 MR. CUELLAR: Objection.

14 Q. (By Mr. Kennard) Is it possible that it's worth
15 \$1.8 million?

16 A. Don't know.

17 Q. Is it not possible that it's worth \$1.8 million?

18 A. I'm not a real estate appraiser. So, I don't
19 know.

20 Q. How much equity do you have in your home?

21 A. Don't know.

22 Q. Who would know?

23 A. Don't know.

24 Q. Here we go again, Mr. Guerra. How would you find
25 out how much equity you have in your home?

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1 A. I really don't know. How do you go about it?

2 Don't know --

3 Q. I'm not -- again --

4 A. I know you're not being deposed.

5 Q. -- I'm not being deposed.

6 If you were to sell your home today, what do
7 you think you could sell it for at 1012 Holt Road?

8 A. I don't know.

9 Q. What would you want to sell it for?

10 MR. CUELLAR: Objection.

11 A. Well, that's kind of an open-ended question. You
12 know, of course, you always want it -- to sell it for a
13 lot more than what you could get. But I don't know what I
14 could get.

15 Q. (By Mr. Kennard) Okay. How much did you pay for
16 it?

17 A. Don't remember.

18 Q. Do you remember approximately how much you bought
19 your home for?

20 A. No, I really don't.

21 Q. You have no idea about how much you paid for your
22 home? Is that what you want the jury to believe?

23 A. I don't remember at this time.

24 Q. When did you buy the home at 1012 Holt Road?

25 A. Don't remember the exact year, but I think it was

1 '08.

2 Q. Okay. Did you take out a loan for it or did you
3 pay it all in cash or did you pay it off?

4 A. Took out a loan.

5 Q. Okay. Where did you take out the loan?

6 A. The bank.

7 Q. So, the bank has a lien on your home?

8 A. Yes.

9 Q. Which bank?

10 A. We have two banks. So, I'm not sure which bank.

11 Q. Who pays the mortgage, you or your wife?

12 A. Not me.

13 Q. Who?

14 A. Well, I assume it's her.

15 Q. You're going to assume it's her?

16 A. I'm not paying the mortgage.

17 Q. So, if it's not her, who would it be?

18 A. Don't know.

19 Q. So, you don't know how much you bought your home
20 for. You don't know who pays your mortgage. Is that what
21 you're telling me?

22 A. I answered the question that I don't pay the
23 mortgage myself.

24 Q. So, who does?

25 A. My wife.

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1 Q. Again a moment ago you told me you didn't know if
2 your wife pays it or not. Now, you're telling me your
3 wife does. So, let me be clear because now I'm confused:
4 Who pays the mortgage?

5 A. Wife.

6 Q. I'm going to represent to you that yesterday she
7 told us it was you. Would she be lying if she said it was
8 you that pays the mortgage?

9 MR. CUELLAR: Objection.

10 Q. (By Mr. Kennard) Yes or no?

11 A. I don't know.

12 Q. If your wife were to say, "I do not pay the
13 mortgage at 1012 Holt, my husband does," would that be an
14 accurate or an inaccurate statement?

15 A. Inaccurate.

16 Q. Okay. How much is your mortgage payment?

17 A. I don't know that number.

18 Q. Do you know the appraised value of your home?

19 A. I do not.

20 Q. Do you know how much you had to pay on your last
21 property taxes?

22 A. I do not.

23 Q. Who handles that?

24 A. I don't know.

25 Q. Do you not pay property taxes?

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1 A. I believe in the state of North Carolina it's
2 included in the mortgage, but that's a guess. I do not
3 know for sure.

4 Q. Does someone in your household keep track of how
5 much is paid annually in property taxes?

6 A. I don't know.

7 Q. Would your IRS records reflect that?

8 A. I don't know.

9 Q. Would your annual tax filings that you submit to
10 the IRS include that information?

11 A. Don't know.

12 Q. Who would know?

13 A. Don't know.

14 Q. Have you ever signed a tax return? I'm sorry.

15 Have you ever signed any documents that were
16 submitted on your behalf to the IRS?

17 A. I sign a lot of documents so --

18 Q. So, you don't know?

19 A. I don't know.

20 Q. Do you pay taxes?

21 A. Do I pay taxes?

22 Q. Strike that last question.

23 Do you pay taxes each year to the IRS?

24 A. I don't know.

25 Q. Mr. Guerra, these are basic questions that

1 everyone in America knows or at least has some idea. We
2 haven't even gotten into the meat and potatoes yet of this
3 deposition. What should have taken 30, maybe 45 minutes
4 has now taken two and a half hours. Is there any way you
5 can ascertain or figure out whether or not you have paid
6 taxes to the IRS in the last five years, you personally?

7 A. I don't know because of how we might be
8 structure.

9 MR. KENNARD: I'm going to object to the
10 response.

11 Q. (By Mr. Kennard) When was the last time you made
12 a mortgage payment?

13 A. I previously answered you I do not make the
14 mortgage payments.

15 Q. When was the last time you had a conversation
16 with your accountant?

17 A. Conversation with my accountant about what?

18 Q. About anything?

19 MR. CUELLAR: Objection.

20 A. I don't remember.

21 Q. (By Mr. Kennard) Who is your accountant? What's
22 his name or her name?

23 A. How do you define "accountant"?

24 Q. Someone that handles any accounting matters for
25 you.

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1 A. Like?

2 Q. Any.

3 A. Give me specific.

4 Q. What does accounting mean to you?

5 A. My definition can mean a lot of different things.

6 Q. Do you have an accountant, a CPA?

7 A. What's does CPA stand for?

8 Q. Certified public accountant.

9 A. There's a person that helps with some accounting,
10 yes.

11 Q. Okay. Who is that?

12 A. You want his name?

13 Q. Yes.

14 A. Wade Sutton.

15 Q. I'm sorry?

16 A. Wade Sutton.

17 Q. Can you spell that please?

18 A. Wade, W-A-D-E. Last name is S-U-T -- I think
19 it's two Ts, but it might be one. Sutton. I'm not sure
20 how many T's, if it's one or two.

21 Q. Can you spell that out as you think it is?

22 A. I think it's S-U-T-T-O-N.

23 Q. And where is Wade Sutton located?

24 A. I don't understand that word.

25 Q. Where is Wade Sutton's office?

1 A. Wade's office, where he works?

2 Q. Yes.

3 A. 501 North Salem --

4 Q. Can you spell that please?

5 A. S-A-L-E-M.

6 Q. What city?

7 A. Apex.

8 Q. How long has Wade Sutton been helping you with
9 accounting matters?

10 A. I don't remember.

11 Q. When did you first hire Wade Sutton to help you
12 with accounting matters?

13 A. Don't remember the exact time.

14 Q. Does Wade Sutton work for you?

15 A. No.

16 Q. Work for PCM?

17 A. Correct.

18 Q. Employee of PCM?

19 A. Yes.

20 Q. Does he handle the accounting and the books for
21 PCM?

22 A. Can you define "handle"?

23 Q. Does he assist PCM with accounting or with
24 anything related to the financial matters of PCM?

25 A. Yes.

1 Q. Does Wade Sutton assist you with any of your
2 financial matters as an individual?

3 A. No.

4 Q. So, who helps you -- this whole -- I've been
5 asking you this whole time who helps you handle your
6 finances. I want to know who can tell me how much you
7 paid in taxes last year or the year before. You're
8 telling me you don't know. You don't know if your wife
9 knows. You don't know who knows. So, I ask you to tell
10 me who would know; and you told me Wade Sutton. Now
11 you're telling me that Wade Sutton doesn't do anything for
12 you. Do you have someone that helps you with your
13 personal finances?

14 A. No.

15 Q. So, who --

16 A. Not personal finances, no.

17 Q. Would you consider your personal tax filings to
18 be personal -- part of your personal financials?

19 A. I previously answered the question that I don't
20 know because the way we're structured.

21 Q. What does that mean?

22 A. The way how we are structured and our taxes are
23 filed I don't know and that would be through.

24 Q. Who files them for you? Who files your taxes for
25 you every year?

1 A. Huh?

2 Q. Who files your taxes for you every year?

3 A. For me?

4 Q. Yes.

5 A. For PCM?

6 Q. For you.

7 A. That's what I'm telling you, I don't know because
8 I believe that we may be -- it might be -- the way we
9 structure, I don't know. That's -- that's what I'm
10 telling you.

11 Q. Is PCM a sole proprietorship?

12 A. It's a -- limited liability, LLC.

13 Q. Okay. Are you an LLC?

14 A. Ask the question again.

15 Q. You're not an LLC individually, correct?

16 A. I don't know.

17 Q. Your wife testified yesterday that you and her
18 have a separate CPA that handles your personal taxes,
19 separate from PCM. Is that not true?

20 A. There is a difference between an accounting and
21 the tax attorney, two different --

22 Q. Mr. Guerra, you're playing games with us again.
23 Who -- I asked you who assists you with your personal
24 taxes in any given year over the last five years. Your
25 response was "I don't know." Until I reminded you or

1 advised you that your wife under sworn testimony stated
2 that you have a CPA that handles the personal tax issues
3 for you and your family did you for the first time make it
4 known that you have a tax attorney. Who is that person?

5 A. Which person?

6 Q. Your tax attorney?

7 A. The one that filed the taxes.

8 Q. Yes, who files your taxes?

9 A. The tax attorney.

10 Q. What's his name or her name?

11 A. I'm thinking because -- I don't think I do know
12 his name because I do not deal with that.

13 Q. Your wife said you're the one that deals with it.
14 Is she lying? Yes or no?

15 A. I don't know.

16 Q. If your wife --

17 A. I'm not the --

18 Q. Let me -- let me -- let me ask my question: If
19 your wife stated that you deal with the tax attorney, is
20 that an accurate or an inaccurate statement?

21 A. Can you define the dealing part?

22 Q. Works with, has conversations with, authorizes or
23 the like, for your personal taxes to be prepared or filed.
24 If your wife were to represent or state that you, Miguel
25 Guerra, are the one in the family that is responsible for

1 and deals with the tax attorney, as I've just described
2 deal, for your personal tax issues and filings, would that
3 be not true? Yes or no? Would that be true or not?
4 Would that be true?

5 A. No.

6 Q. So, who does work with the tax attorney or has
7 dealings with or communicates with or authorizes your
8 taxes to be filed on you or your family's behalf?

9 A. It's not me.

10 Q. You don't know the name of the tax attorney?

11 A. I know his first name.

12 Q. You told me earlier you didn't know his name.

13 Did you just remember the name?

14 A. When you asked if I remember or know somebody's
15 name, I automatically assume that you're asking for a full
16 name.

17 Q. What's his name?

18 A. Scott.

19 Q. Scott what?

20 A. I just answered you, I do not know his last name.

21 Q. Did you hire him?

22 A. No.

23 Q. Who did?

24 A. Don't know.

25 Q. You own a business, right?

1 A. Uh-huh.

2 Q. You deal with attorneys on a regular basis,
3 right?

4 A. Sometimes.

5 Q. Okay. Do you think you're unsophisticated?

6 A. I don't know what that word means.

7 Q. Do you think you don't know a lot about business?

8 A. Ask the question differently.

9 Q. Do you think you understand business?

10 A. Businesses?

11 Q. Business.

12 A. It's kind of a broad question because I
13 understand business as which businesses. I mean, there's
14 a lot of business. Which business are you referring to
15 that I -- that I understand?

16 Q. Do you run a business?

17 A. I run a business?

18 Q. Do you?

19 A. How do you define "run a business"?

20 Q. Are you in charge of a business?

21 A. You need to give me more what are you trying to
22 ask because I don't understand the question. You're
23 confusing me right now.

24 Q. Do you own a business?

25 A. Again, I'm going to ask you to define what "own"

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1 means.

2 MR. KENNARD: We're going to take a
3 five-minute break.

4 (Recess taken)

5 MR. KENNARD: Go back on the record.

6 Q. (By Mr. Kennard) Mr. Guerra, do you have a
7 business interest -- do you have an ownership interest in
8 any businesses?

9 A. I am a member manager.

10 Q. Of what?

11 A. PCM Construction.

12 Q. Anything else, any other entity?

13 A. No.

14 Q. Just PCM Construction?

15 A. Correct.

16 Q. What is your title with PCM Construction?

17 A. What my what?

18 Q. What is your title?

19 A. What's that word?

20 Q. Your title, your position?

21 A. Oh, I'm sorry. I thought you -- I confused that
22 word with something else. Member manager.

23 Q. Who is the president of PCM?

24 A. I don't know.

25 Q. Who do you report to in PCM?

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1 A. Who do I report to?

2 Q. Yes, sir.

3 MR. KENNARD: Are you getting these long
4 pauses in there in brackets?

5 A. I'm thinking the question. I don't report to
6 anyone.

7 Q. (By Mr. Kennard) Are you the president of the
8 company?

9 A. No.

10 Q. Who is the president of the company?

11 A. I don't believe there is a president.

12 Q. Is there a CEO of the company?

13 A. No.

14 Q. Is there a president of the company?

15 A. I don't know.

16 Q. Who would know?

17 A. I don't know. I just know that I am a member
18 manager.

19 Q. Who's in charge of the company?

20 A. Define "in charge."

21 Q. Who gets to make the final decision on any
22 matters relating to PCM?

23 A. You need to be more specific on that because that
24 can be a very broad question, "decisions." What
25 decisions?

1 Q. Well, the buck stops somewhere, right?

2 A. Right.

3 Q. So, who's at the very top of PCM Construction?

4 A. I'm a member manager. If you consider that to be
5 the very top, that's the way how we are structure.

6 Q. Okay. Who else is a member manager?

7 A. My wife.

8 Q. Who else?

9 A. I believe that's it.

10 Q. Is your wife the president of the company?

11 A. No.

12 Q. Is your wife the CEO of the company?

13 A. I don't know.

14 Q. You don't know if your wife is a CEO or not?

15 A. I just know that we are both member manager.

16 Q. Do y'all equally have member manager duties?

17 A. Define that.

18 Q. What does a member manager do for PCM
19 Construction?

20 A. You asking what I do for PCM Construction?

21 Q. I'm asking what is the function of a member
22 manager at PCM Construction?

23 A. In my position it's to go get new business as a
24 member manager.

25 Q. What else?

1 A. Communicate with the lead supervisors.

2 Q. What else?

3 A. Support your field people when they come to you
4 and ask for it.

5 Q. And you can -- we'll get to that more later today
6 or at some other point depending on whether or not you
7 decide to cooperate with us further today. Do you
8 consider yourself a businessman?

9 A. I like to think so, yeah.

10 Q. Okay. You think you have good knowledge about
11 business?

12 A. Probably not about business. We all have
13 something that we may be good at.

14 Q. Do you think you're good at business?

15 A. I think I'm okay.

16 Q. Okay. As someone who thinks he's okay at
17 business, why can't you tell us whether or not you filed
18 taxes in the last five years?

19 A. Because I don't do the taxes.

20 Q. Have you ever signed off -- have you ever signed
21 your name to any document that has been filed with the IRS
22 in the last five years?

23 A. I sign a lot of documents.

24 MR. KENNARD: I'm going to object to the
25 response.

1 Q. (By Mr. Kennard) Have you ever -- have you ever
2 signed a document that was intended to be filed with the
3 Internal Revenue Service of the United States of America?

4 A. Yes.

5 Q. When?

6 A. Don't remember.

7 Q. When was the last time?

8 A. I just answered you, don't remember.

9 Q. Did you sign one in 2014?

10 A. Answer's still the same, don't remember.

11 Q. What about in 2013 did you -- I don't need you to
12 tell me when. I'm just asking if you did. Did you or did
13 you not sign a document that was intended to be filed with
14 the Internal Revenue Service of the United States of
15 America in 2013?

16 A. I don't know.

17 Q. What about in 2012?

18 A. I don't know.

19 Q. What about in 2011?

20 A. I don't remember.

21 Q. What about in 2010?

22 A. Don't remember.

23 Q. What about in 2009?

24 A. Don't remember.

25 Q. But you have signed something?

1 A. I sign a lot of documents.

2 Q. Do you understand that when you sign a document
3 that is intended to be filed with the IRS that you have
4 affirmed and sworn to the accuracy of the information
5 contained in the documents that are presented to the IRS?
6 Do you understand that?

7 A. Yes.

8 Q. So, how is it that you have no idea anything
9 about your taxes for the last five years?

10 A. Because that's what the tax attorney do, he do
11 them and I sign documents.

12 Q. So, the tax attorney can tell us how much you
13 paid in taxes in the last five years?

14 A. That would be a attorney/customer
15 confidentiality, but I will say that he may have that
16 knowledge.

17 Q. Do you have records of your tax filings?

18 A. I don't.

19 Q. Who does?

20 A. I don't know.

21 Q. Does the tax attorney have them?

22 A. He may.

23 Q. Do you keep records for yourself?

24 A. I don't.

25 Q. Where do you keep important documents for

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1 yourself?

2 A. What kind of documents?

3 Q. Any documents that you deem to be important.

4 A. I don't have any documents that I have in a safe
5 somewhere.

6 Q. Do you think it's a good business practice to not
7 keep important documents for your own personal records?

8 A. Probably not.

9 Q. How much money did you make last year in 2013?

10 A. Don't know.

11 Q. You don't know how much money you made in 2013?

12 A. No.

13 Q. How much money have you made this year?

14 A. Don't know.

15 Q. How much did you personally make in February of
16 2014?

17 A. Don't know.

18 Q. How about in January of 2014?

19 A. Don't have those numbers on me. Don't know.

20 Q. Are you paid a salary from PCM for being a member
21 manager?

22 A. No.

23 Q. How does PCM, LLC, compensate you, Miguel Guerra,
24 for being a member manager of the company?

25 A. How?

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1 Q. Yes.

2 A. With money.

3 Q. How much money?

4 A. Don't know.

5 Q. Do you have any idea how much money PCM has paid
6 you in the last five years for being a member manager?

7 A. No idea.

8 Q. How about in 2014, do you have any idea how much
9 money PCM has paid you for being a member manager?

10 A. No.

11 Q. How about in 2013?

12 A. No.

13 Q. Where would that information be contained?

14 A. I don't know.

15 Q. Aren't you one of only two member managers?

16 A. Right.

17 Q. So, you don't know. Who would know?

18 A. We don't get a salary as a member manager.

19 Q. I'm not asking you if you get a salary. I want
20 to know how much money PCM has paid you regardless of
21 whether it's a salary, a dividend, a distribution. It
22 doesn't matter. I need to know how much money has PCM
23 Construction paid you however in 2014.

24 A. I --

25 Q. Can you tell me that?

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1 A. I don't have an exact amount, no.

2 Q. Can you give me an estimate?

3 A. Did you say for February or 2014?

4 Q. 2014.

5 A. Probably would have to estimate about 9,000.

6 Q. You've been paid \$9,000 from PCM in 2014?

7 A. That's an estimate.

8 Q. Around \$9,000?

9 A. A guess.

10 Q. How about your wife, how much has she been paid?

11 A. Don't know.

12 Q. Who would know?

13 A. She would know.

14 Q. Is this not a decision that you would make?

15 A. No.

16 Q. Is this not a decision you would be part of?

17 A. Don't think so.

18 Q. Are you not aware of what PCM pays out to people?

19 A. I don't know.

20 Q. Are you and your wife paid the same?

21 A. I'm not sure.

22 Q. Who would know?

23 A. I'm giving you the answer for me. You could have
24 asked her for her part.

25 Q. Mr. Guerra, I will represent to you that we did

1 ask your wife yesterday how much she has been paid by PCM;
2 and her response was the same as yours. She says she
3 doesn't know other. It appears that nobody wants to tell
4 us how much money the company has paid you and your wife.

5 A. I just previously answered you, and I gave you an
6 estimate.

7 Q. So, how much has your wife been paid as an
8 estimate?

9 A. Don't know.

10 Q. How much were you paid for all of 2013 in any
11 form or fashion from PCM Construction, LLC, to you?

12 A. No idea.

13 Q. You have no idea how much money you made last
14 year?

15 A. No.

16 Q. Do you know how much money your wife made last
17 year?

18 A. No.

19 Q. Do you think that's something you should know?

20 A. I don't know.

21 Q. How do you know that you have enough money to pay
22 for your house?

23 A. I don't pay for the house.

24 Q. Who does?

25 A. Previously answer.

1 Q. Remind me.

2 A. Wife.

3 Q. How do you know if she makes enough money to pay
4 for your house?

5 A. Don't know.

6 Q. What were the gross revenues for PCM in 2013?

7 A. Don't remember.

8 Q. You have no idea how much money the company made
9 in 2013?

10 A. Don't remember, no.

11 Q. Who would know?

12 A. I guess our tax attorney will know.

13 Q. Can you estimate how much money PCM Construction
14 did in gross revenues in 2013?

15 A. When it comes to dollar amounts, I don't want to
16 speculate because I don't want to give the wrong answer.

17 Q. I'm not asking you to speculate. I'm just asking
18 for a range or some ballpark figure. It doesn't have to
19 be a exact?

20 A. Don't know.

21 Q. Does PCM generate more than \$100,000 in revenues
22 in 2013, gross revenues?

23 A. Yes.

24 Q. Did PCM Construction generate more than \$200,000
25 in gross revenues in 2013?

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1 A. I don't know.

2 Q. Did PCM Construction gross less than \$200,000 in
3 gross revenues in 2013?

4 A. I don't remember.

5 Q. Did PCM Construction gross more than half a
6 million dollars in revenues in 2013?

7 A. I don't remember.

8 Q. Did PCM Construction gross more than a million
9 dollars in revenues in 2013?

10 A. Don't remember.

11 Q. Did PCM Construction gross less than \$1 million
12 in 2013?

13 A. Don't remember.

14 Q. What about in 2014, do you know what the gross
15 revenues have been so far for 2014?

16 A. I do not.

17 Q. You don't know?

18 A. No.

19 Q. Who -- does your wife know?

20 A. Don't know.

21 Q. I'm going to represent to you yesterday -- that
22 yesterday when we deposed her, she told us she didn't
23 know. And now you're telling us you don't know. So, who
24 would know?

25 A. I don't know.

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1 Q. Is there a way for you to find out quickly? Do
2 you need to make a phone call? We can take a break and
3 you can go call if you need to refresh your memory. Is
4 that something you can do?

5 A. I don't know who I'd call.

6 Q. You just told me you could call your tax
7 attorney.

8 A. I said you could. I didn't say I could.

9 Q. Can you -- okay. Can you call your tax attorney
10 to see if you can get the information of how much PCM
11 Construction did in gross revenues in 2013?

12 A. No.

13 Q. Why not? You just don't want to?

14 A. Don't have his number.

15 Q. Can you find his number?

16 A. I don't know.

17 Q. Does somebody that you know have his number that
18 you can reach out to today?

19 A. I don't know.

20 Q. I can't continue forward without this
21 information. So, I'm going to need some records.

22 MR. KENNARD: And, Mr. Cuellar, we requested
23 these records; and we never got them. I -- and if he's
24 refusing to tell me or he's claiming to not know and I've
25 given him the opportunity today to go ahead and try and

1 get that information for us and he's refusing to and
2 saying that he has no way of getting it, even despite the
3 fact that he is one of two member managers, i.e., owners
4 of this company, which I find incredibly hard to believe,
5 I can't continue forward any further.

6 Q. (By Mr. Kennard) So, I'm going to ask the witness
7 one more time: Can you today get the information on the
8 gross revenues for PCM Construction, LLC?

9 A. I don't know.

10 Q. Can you get it, yes or no?

11 A. No.

12 MR. KENNARD: Okay. All right. We're going
13 to reserve the right to -- to continue this deposition at
14 a later time. We are going to ask the Court to issue
15 sanctions for your efforts today to frustrate this
16 deposition and not allow it to go forward in a meaningful
17 manner. We are also going to ask the Court to allow us to
18 depose you at a later time. We're also going to ask the
19 court to compel all the documents that have not been
20 produced to date that the witness has testified to exists
21 somewhere. We've just never seen them. So, we're going
22 to request one more time that those documents be produced
23 to us before we can proceed any further in this
24 examination.

25 We are also going to ask the court for

1 sanctions for not providing documents to us that we now
2 know for sure exist, we just have never seen. So, with
3 that said, we are off the record. Thank you.

4 MR. CUELLAR: And I want to get -- no, get
5 back on the record. I want to get on the record that
6 counsel has been provided every document that the Prins
7 Law Firm has been -- has obtained from client. So -- I
8 mean, there is no -- there's no documents that the Prins
9 Law Firm has obtained that haven't been provided to
10 counsel, the Kennard law offices.

11 MR. KENNARD: So, then we'll need to ask the
12 Court to compel your client to allow you to do your job,
13 Mr. Cuellar. And thank you for your efforts. We
14 appreciate it.

15 We're off the record.

16 (Proceedings concluded at 12:14 p.m.)

17 Reporter's Note: According to Federal Rule
18 30(e)(1), the request for review of the deposition by the
19 witness is accomplished "on request by the deponent or a
20 party before the deposition is completed."

21 Since this was not done, signature is considered
22 waived for this transcript.

MIGUEL GUERRA

March 7, 2014

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE SOUTHERN DISTRICT OF TEXAS
 3 HOUSTON DIVISION

4 JOSE A. VIRGEN MAGDALENO,)
 5 Individually and on Behalf)
 6 of all)
 7 Others Similarly Situated,)

8 Plaintiff)

9 vs.)

CIVIL ACTION NO. 4:12-cv-02862

10 PCM CONSTRUCTION SERVICES,)
 11 LLC, MIGUEL GUERRA AND)
 12 DAWNNA L. HOGAN-GUERRA)

13 Defendants.)

14 REPORTER'S CERTIFICATE

15 ORAL DEPOSITION OF MIGUEL GUERRA

16 MARCH 7, 2014

17 I, the undersigned Certified Shorthand Reporter in and
 18 for the State of Texas, certify that the facts stated in
 19 the foregoing pages are true and correct.

20 I further certify that I am neither attorney or
 21 counsel for, related to, nor employed by any parties to
 22 the action in which this testimony is taken and, further,
 23 that I am not a relative or employee of any counsel
 24 employed by the parties hereto or financially interested
 25 in the action.

MIGUEL GUERRA

March 7, 2014

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1 SUBSCRIBED AND SWORN TO under my hand and seal of
2 office on this the _____ day of _____,
3 _____.



7 Anne F. Sitka

8 Anne F. Sitka, CSR, RPR
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